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3 AAC 157 is amended by adding new sections to read:

Article 3. Chinook Salmon Mitigation Direct Distributions.

Section

- 210. Purpose and applicability
- 220. Eligible entities
- 230. Application requirements
- 240. Preliminary application review
- 250. Calculation of payments
- 260. Notification of distribution
- 295. Definitions for chinook salmon mitigation direct distributions

3 AAC 157.210. Purpose and applicability. (a) The purpose of chinook salmon mitigation direct distributions is to help mitigate economic impacts to commercial salmon troll fishermen from the reduction in the Southeast Alaska chinook salmon harvest under the revised Pacific Salmon Treaty.

(b) The provisions of 3 AAC 157.210 - 3 AAC 157.295, 3 AAC 157.910, and 3 AAC 157.990 apply, subject to the availability of appropriations, to the allocation and distribution of money received from the United States Department of Commerce, National Oceanic and Atmospheric Administration under 16 U.S.C. 3641, received by the Department of Fish and Game, and allocated to the Department of Commerce, Community, and Economic Development for payments to individual commercial salmon troll fishery permit holders. (Eff. ___/___/___,

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Authority: AS 44.33.020

3 AAC 157.220. Eligible entities. The following individuals are eligible to submit an application under 3 AAC 157.210 - 3 AAC 157.295:

- (1) a holder of an active salmon hand troll permit in 2009;
- (2) a holder of an active salmon power troll permit in 2009;
- (3) an individual who fished in 2009 under a legal transfer of an active 2009

salmon

(A) hand troll permit; or

(B) power troll permit;

- (4) the personal representative or executor of the estate of a holder of an active

2009 salmon

(A) hand troll permit; or

(B) power troll permit. (Eff. ____/____/____, Register ____)

Authority: AS 44.33.020

3 AAC 157.230. Application requirements. (a) The department will solicit applications for direct distributions under 3 AAC 157.210 - 3 AAC 157.295 by

(1) posting public notice on the Alaska Online Public Notice System established under AS 44.62.175;

(2) providing applications to persons whom the department believes are

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interested in applying for direct distributions; and

(3) providing applications on request.

(b) An application for a direct distribution under 3 AAC 157.210 - 3 AAC 157.295 must

(1) be complete, signed by the applicant, and submitted on a form provided by the department;

(2) include a verification of eligibility from the Commercial Fisheries Entry Commission, including

(A) the permit number for a permit described in 3 AAC 157.220;

(B) the permit holder's name; and

(C) for permit holders with recorded fish ticket landings of chinook salmon during the 2009 summer chinook salmon season, the total net pounds of chinook salmon recorded on fish tickets and the calculated round weight equivalent pounds of chinook salmon landed during that season;

(3) include the applicant's federal tax identification number;

(4) include, on a form provided by the department and signed by the applicant, a waiver of confidentiality of fish ticket data relevant to the application; and

(5) be received no later than 60 days after the date notice is posted under (a)(1) of this section. (Eff. ____/____/____, Register ____)

Authority: AS 44.33.020

3 AAC 157.240. Preliminary application review. The department will conduct a preliminary review of an application to ensure it meets the requirements of 3 AAC 157.230. At

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any time during the preliminary review, the department may request additional information if it considers the information necessary to complete the review of the application. If the department determines the application meets the requirements of 3 AAC 157.230, the department will accept the application. (Eff. ___/___/___, Register ___)

Authority: AS 44.33.020

3 AAC 157.250. Calculation of payments. (a) A payment will be made, as follows, to each applicant who held an active salmon hand troll permit or active salmon power troll permit when it was renewed for 2009:

(1) a payment of \$75 will be made to each applicant who held an active salmon hand troll permit;

(2) a payment of \$150 will be made to each applicant who held an active salmon power troll permit.

(b) A payment will be made, as follows, to each applicant who commercially harvested chinook salmon during the 2009 summer chinook salmon season:

(1) a payment of \$225 will be made to each applicant who commercially harvested chinook salmon under a salmon hand troll permit;

(2) a payment of \$675 will be made to each applicant who commercially harvested chinook salmon under a salmon power troll permit.

(c) A payment will be made, as follows, to each applicant based upon the round weight equivalent pounds of chinook salmon commercially harvested during the 2009 summer chinook salmon season:

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(1) the total amount of money to be distributed under this subsection is \$1,500,000 minus the total amount of payments distributed under (a) of this section, and minus the total amount of payments distributed under (b) of this section;

(2) the amount of payment to each applicant will be calculated by dividing the amount of money available under (1) of this subsection by the total round weight equivalent pounds commercially harvested for the 2009 summer chinook salmon season, and multiplying the resulting figure by the round weight equivalent pounds caught by each permit holder. (Eff. ____/____/____, Register ____)

Authority: AS 44.33.020

3 AAC 157.260. Notification of distribution. The department will send an applicant written notification when the applicant's application has been accepted or denied. In a written notification that an application has been accepted, the department will include the total payment amount calculated under 3 AAC 157.250. (Eff. ____/____/____, Register ____)

Authority: AS 44.33.020

3 AAC 157.295. Definitions for chinook salmon mitigation direct distributions. In 3 AAC 157.210 - 3 AAC 157.295, unless the context requires otherwise,

(1) "2009 summer chinook salmon season" means a period, the first day of which was July 1, 2009, and the last day of which was September 30, 2009, and during which chinook salmon could be commercially harvested;

(2) "commercially harvested" means lawfully taken and sold in a manner

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consistent with AS 16, 5 AAC, and 20 AAC 05, including requirements regarding proper completion of reports required by processors, buyers, and fishermen;

(3) "permit" means a Commercial Fisheries Entry Commission entry permit that was renewed and held in accordance with AS 16.43.150;

(4) "round weight equivalent pounds" means an amount calculated with product recovery ratios determined by the Department of Fish and Game and

(A) applied to pounds of chinook salmon commercially harvested on hand or power troll gear, and recorded on Department of Fish and Game fish tickets;

(B) not applied to salmon roe or other ancillary fish products. (Eff.

___/___/___, Register ___)

Authority: AS 44.33.020

3 AAC 157.910(a) is amended to read:

(a) No more than 10 days after receipt of the department's written notification under 3 AAC 157.090, [OR] 3 AAC 157.190, or 3 AAC 157.260, the applicant may make a request for reconsideration of all or part of the decision to the commissioner. The request must be in writing and must identify each part of the decision to which the applicant objects.

(Eff. 9/16/2010, Register 195; am ___/___/___, Register ___; am ___/___/___, Register ___)

Authority: AS 44.33.020